OVERTON *v.* STATE OF OKLAHOMA.

ERROR TO THE SUPREME COURT OF THE STATE OF OKLAHOMA.

No. 40. Submitted October 19, 1914.—Decided November 9, 1914.

The court having instructed the jury that if the shipment of liquor within the State was to complete an interstate shipment the local prohibition statute did not apply, the contention that § 4180, Snyder's Compiled Laws of Oklahoma, is repugnant to the commerce clause of the Federal Constitution, *held* too frivolous to support the jurisdiction of this court to review the judgment of the state court on writ of error.

The record in this case not justifying the assumption that the conclusion of guilt could only have been reached by disregarding proof, this court has no jurisdiction to review the judgment of the state court on writ of error on that ground; it is frivolous.

Writ of error to review 7 Oklahoma Cr. 203, dismissed.

THE facts are stated in the opinion.

Mr. Charles B. Stuart and *Mr. A. C. Cruce* for plaintiff in error.